HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

CLR. No. 251 of 2001 C.R.

Adhikshak Viklong Bahudhandi
Karanshala Evam Utpadan Kendra.

VS

Smt. Tulsi Devi
Standing counsel for the applicant
Name for the opp party.

Approved for reporting.

_____

~~Not approved for reporting~~

Date of decision 17 August 2004

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL.

CIVIL REVISION NO. 251 OF 2001.
(Old No. 507 of 1995)

Adhikshak viklong Bahudhandhi
Karanshala evam utpadan Kendra,
Pithoragarh. …… Revisionist.

Versus

Smt. Tulsi Devi. . ….. Opp.party.

Standing counsel for the applicant.

None for the Opp.party.

Hon. Rajesh Tandon J.

The applicant has challenged the order dated 25.02.1995 passed by the J.S.C.C. Pithoragarh by which the eviction order has been passed.

The plaintiff has filed the suit for recovery of arrears of rent as well as eviction on the ground that she is the owner of two storied house. The plaintiff has submitted that the entire area is 2000 sq. feet and the property was given for a period of two years from 15.08.1984 to 15.08.1986 and the period had expired on 15.08.1986 but the applicant has not vacated the premises.

A notice was sent for extending the period of two years but the applicant has failed to comply with the formalities. Ultimately the rent from March, 1992 to October, 1992 amounting to Rs. 16,000/- was due to the applicant.

On 18.10.1992 a notice was sent to the respondent for the payment of the rent from

March,1992 to October, 1992 but no avail. Hence the present suit has been filed for the recovery of the amount as well dispossession of the respondent.

The learned J.S.C.C. recorded the finding that the defendant was a defaulter and the property has been given only for a period of two years. The learned Judge has decreed the suit for eviction. However, he has awarded the damages @ 3000/- per month. The eviction decree is confirmed. However, so far as damages of Rs.3000/- per month is concerned the same shall be chargeable on the rate of rent, i.e. Rs.2000/- per month.

Subject to the aforesaid modification of the decree the rest of the findings of the learned J.S.C..C. is confirmed. The revision is dismissed. No order as to costs.

Dated: August 17,2004. **(Hon'ble Rajesh Tandon J)**
S.S.Negi.